kept at Ruddlan, we gather that systematic superintendence and fixed wages already prevailed, and that the building crafts obtained 4d. per diem, their overseers, or master workmen, receiving 6d., and another fact of some importance, viz. that the wages of the artificer doubled that of the military archer, and was one-fourth more than that of ordinary seaman on board the king's ships. I am not at present aware of the existence of any contemporary documents of a less public nature that would enable us to decide whether there were average rates, applying generally; the older records are mostly of this kind, or those of the expenditure of the great abbeys and monasteries; and next in succession are the household books of the nobility, which are of a much later date. But, with or without the confirmation desirable to establish uniformity, it must be decided that Edward I. paid liberally for the repair of his castle of Ruddlan: in coming to this conclusion we must bear in mind that the pound sterling of that period contained as much in weight of silver as three pounds of our present coin, and that money was nearly ten times its present value; further, the wants of the working classes were limited by habit and example, and the list of readily purchaseable commodities confined to those of the first necessity. I might here also institute something like a comparison in the price of corn and cattle, but it would be less certain, less applicable and instructive than at a subsequent stage.

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(To be continued.)

THE NEW BUILDING ACT.

TO THE EDITOR OF THE BUILDER.

SIR,—I quail before this portion of the task which I have set myself, conscious that, whatever may be the difficulties attendant upon making a prudent and practicable law for the erection of new buildings, they are as nothing compared with that of legislating upon the complicated question of party walls.

With no guide but the average portion of common sense, and the average perception of right and wrong, having taken to my task, I will endeavour to criticise with candour, and also to bow submissively to that correction which my rash attempt may provoke and deserve.

My reasons are worth just what they are worth; but I will give them, because that, as they form the basis of my deductions, the superstructure must follow the fate of the foundation; and if my assumed basis be wrong, others knowing it may avoid similar failure; and, laying down surer premises, may arrive at more correct conclusions.

In the defining clause 3, and again in clause 78, it is said, the term "party wall" shall comprise all walls which shall be used, or intended to be used, as a separation of one building from another; and also all walls which shall stand upon ground not wholly belonging to the same ownership or occupation.

The latter portion of the clause describes that which is honestly a party wall. The first portion declares that to be a party wall which may really be an external wall, wholly on one man's ground, but of which use has surreptitiously been made by his neighbour.

Where difference of age and style mark the difference of property; where there either are no timbers lying in, or bearing upon the wall, on one side, or where, if timbers are inserted, they are manifest encroachments; or where original plans, or boundary stones, mark the extent of an owner's ground, it would be exceedingly unjust to deprive him of his land by a declaration which is untrue. Where there is reasonable ground for doubt, let each party have the benefit of the doubt, and divide the land. But, as the rights of property ought to be protected, not violated by statute law, it would be very easy, and it would be a legitimate object of inquiry, to provide that, before adjudicating upon the state of a wall, as a party wall, the official referees should first ascertain and decide whether it be a party wall or not; and in fair protection of property, an enactment is also called for to prevent any person surreptitiously building against an external wall and using it as if a party wall. Probably the easier course would be to insist upon an external wall being built against the first erected external wall, as thereby the boundary of the land would be preserved; and, looking at the reckless character of the kind of persons who are apt to make such surreptitious uses, either the protecting penalty should be heavy, or full and efficient power should be given to the aggrieved party to enter and destroy the building so soon as it should be discovered.

As the first clauses (90 and 91) of the new Bill, which touch "old party walls," contain the words, "insufficiency of thickness," it will be well at once to observe, that those words are probably meant mercifully to meet the case of ancient walls erected prior to 1774; and which may well be insufficient both as to the existing and the intended law; as well as to guard against such untoward results as that unjustifiable interpretation of the present law, which holds, that if but a foot of an old party wall be insufficient in thickness, the whole wall, however sound it may be, is to be condemned, as unsafe against fire; and that the law would not be satisfied by rebuilding only that deficient portion, and making it of such substance as the rate would require—an interpretation which but too forcibly shews the perversity, not to say innate wickedness, of the human mind: a conformity to the letter, but a gross violation of the spirit of an Act which was intended not to produce evil but good. But, exclusive of these, in another view the provision becomes absolutely necessary, as in palliation of the injustice of an *ex-post-facto* law, which will render almost every party wall in all London insufficient in thickness; and not only make that, in future, unlawful which is just barely lawful now, because that it was before uninterdicted, but unlawful, because that it has been strictly and honestly built according to law.

In fact, the two apparently parallel clauses (sec. 23 of 14 Geo. 3, cap. 78, and clause 90 of the Bill) mean very different things, and, therefore, it is necessary to ascertain how much thickness will be added by the Bill to existing Act of Parliament walls, according to their several rates, premising, however, that the new and old rates resemble each other as apples resemble pumpkins.

In first-rates an additional half brick will be required in and through the roof.

In second-rates, an additional half brick will be required above the second floor of common people, or the fourth of the new dictionary.

In third-rates, an additional half brick will be required from the ground line (new second floor) up to the second floor (new fourth floor).

In fourth-rates, an additional half brick will be required from the ground line (new second floor) throughout.

So far being cleared, I will proceed to a comparison of the parallel clauses of "the Act" and "the Bill."

Take 14th Geo. 3, cap. 78, sec. 23. A sound party wall, against which an external wall may have been, or may be, built, may remain as a party wall, so long as it shall continue sound, although it be insufficient in thickness, until both the houses shall be rebuilt, although at different times.

If one owner A has built an external wall against the party wall, he is not to lose his property therein; but when the other owner B rebuilds, B shall either not build upon more than half the ground, or, he shall pay to A the fair value of half the materials, and of the ground upon which that half stands. If either of them is desirous of buying or selling, and they cannot agree as to price, the price is to be settled by a jury.

(But if B's house exceed the fourth-rate, or be four stories in height, and the old party wall be not two bricks thick in the basement, and one and a half brick above, then the party wall must be rebuilt, although A has built an external wall against it.)

In this enactment, the building an external wall against a party wall is considered to be an act purely voluntary, and provision is therefore made that the builder shall not suffer loss in consequence of his own good nature.

Also take 14 Geo. 3, cap. 78, sec. 39. If a party wall between two old houses (*i. e.* prior to 1774) be only nine inches thick, and the houses be third-rates or upward, if the owner A intend to rebuild, he is to give three months' notice to the adjoining owner B, and after such three months have expired, A may enter and rebuild. I do not recollect an instance of this, but from the omission of all words as to payment, it would appear to be at the sole cost of A; and I believe that it is so held. Probably on that account the clause has, however, seldom been acted upon; and it has also been considered safer to pass through a regular form, and obtain a certificate of condemnation—at least I have heard that reason assigned by a district surveyor.

Take clauses 90 and 91 of the Bill. No old sound party wall is to be condemned on account of insufficiency of thickness; but if one owner A rebuild, he is to build an external wall against the face of his own party wall, without thereby losing his property in the wall or in the soil.

But if, in cutting away the footings or the chimney breasts, he should, in the opinion of the surveyor or of the owner or occupier of the next house, injure the wall so as to render it ruinous, he is to rebuild it wholly at his own cost and reinstate all finishings. When the adjoining owner B shall rebuild, he is not to build his external wall against A's external wall, without first paying A for half the materials and half the land, either under a private agreement, or under the award of the official referee.

By this enactment, the act of building an external wall against an insufficient party wall is to be made compulsory.

There not being an index to the Bill, it is possible that I may have overlooked some provision to meet the very common case of an ancient party wall sufficiently thick, and more than sufficiently thick in the greater part, but surmounted by thinner work, or even not passing through the roof; but as this clause stands, I fear it is quite open to a perverse interpretation, that, in all cases, an external wall must be built. This defect, however, is so obvious, and so easily remedied by an appropriate enactment, that I shall take the clause really to mean those cases only wherein the wall is wholly too thin.

In such a case, should the party-wall have been built, under the 14th Geo. 3, originally of legal thickness, but rendered illegal by a new law, the effect of the enactment would be a most grievous wrong, and in fourth and third-rate houses might lead even to the abandonment of their sites.

Should the party wall, however, be only insufficiently thick, because that the intended new house is to be of a higher rate, its effect would not be of that character—nay, it would be just, excepting on this account: the penalty of having to rebuild the whole wall and to make good all nttings—if, in cutting off the footings or taking down the chimney-breasts, any injury should be done to the wall (the owner of the adjoining house not only being a judge in his own case, but vested with power to become executioner, and to pull down and to rebuild the wall himself, and to recover the whole cost—is so heavy, that no man in his sober senses would attempt to do it; and, as a necessary consequence, he would have to build wholly without touching either chimney-breasts or footings, and to abandon so much ground, and to leave a hole for the vilest filth; the which may always remain, for the law is only to provide that he shall be obliged to sell the bare half of the party wall. It might, indeed, be matter of curious argument whether the district surveyor, who should superintend the cutting down of the chimney-breasts, would not be *particeps criminis*.)

So that, even if there ever had been any wrong done by the enactment of the 14th Geo. 3 for such cases, which has never been pretended, the wrong to be done by that of the present Bill will be much heavier.

The justice of the case appears to be this, that if the sound old wall should have been built under and agreeably to the 14th Geo. 3, cap. 78, the new house being both in height and extent the same as its predecessors, the wall shall still be capable of being used as a party wall, so long as it shall continue sound; but if the new house be either higher or more extensive than the old, and the wall be, in consequence of such increase, rendered insufficient in thickness, although sound, as it would be unjust to force the expense or annoyance of rebuilding it upon the next adjoining owner B, then might the owner of the intended new house A be required to build an external wall on this wise:—

He should build piers of some defined width and thickness, in proportion to the depth and height of the house (reckoning chimney-breasts, if any, as piers), close to the face of the party wall, and cutting off its footing for them, and turn arches between the piers at least in every other story, and build a solid fourteen-inch wall above the top of the adjoining house, unless his neighbour should consent to windows being formed, but which windows should never be capable of being deemed ancient lights, but only lights upon sufferance.

The party wall would thus remain, in the entirety of its character, as a party wall, as to materials and soil, so long as it should continue sound, or until B should rebuild. Whenever rebuilding should become necessary, B should rebuild the wall at his own cost, and take all the old materials, but A should make good his own finishings, and pay for half the thickness of the wall, so far as he would touch it, that is, in the arched recesses or openings through his own external walls.

There would on either hand be no positive injustice done, for the little loss B would sustain in only being paid for the spaces between the piers would not outweigh the inconvenience A would sustain by having his house laid open, and having to reinstate his finishings. It would be as nearly as possible a drawn battle.

Thus would both properties be preserved entire, no discrepancies would grow up between title-deeds and actual property; and, above all, a fruitful cause of quarrel and heart-burning would not arise; and there would be no official referees to pay.

This suggestion is offered in much deference. If it be not wholly good, it seems somewhat better than the provisions of the Bill, which, instead of remedying the evil attendant upon a stupid interpretation of the present Act, would be productive of injury, injustice, confusion, and bickering.

Take 14 Geo. 3, cap. 78, sec. 38, as to defective